



**PRESENT:**

Mr. Russell J. Gulley, Chairman  
Mr. Reuben J. Waller, Jr., Vice-Chairman  
Dr. William P. Brown  
Mr. Dale Patton  
Dr. Edgar V. Wallin  
Mr. Kirkland A. Turner, Secretary to the Commission,  
Planning Director

**ALSO PRESENT:**

Mr. Michael E. Tompkins, Assistant Director,  
Development Review Section, Planning Department  
Mr. Steve Haasch, Planning Manager,  
Plans and Information Section, Planning Department  
Mr. Rob Robinson, Senior Assistant County Attorney,  
County Attorney's Office  
Ms. Tara McGee, Senior Assistant County Attorney,  
County Attorney's Office  
Ms. Bonnie L. Perdue, Clerk to the Commission,  
Plans and Information Section, Planning Department  
Mr. Greg Allen, Planning Manager,  
Review Section, Planning Department  
Ms. Jane Peterson, Planning Manager,  
Development Review Section, Planning Department  
Ms. Darla Orr, Planning and Special Projects Manager,  
Development Review Section, Planning Department  
Mr. Ryan Ramsey, Planning and Special Projects Manager,  
Development Review Section, Planning Department  
Mr. Robert Clay, Planning and Special Projects Manager,  
Development Review Section, Planning Department  
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,  
Development Review Section, Planning Department  
Mr. Jesse Smith, Director,  
Transportation Department  
Mr. Scott Smedley, Director  
Environmental Engineering Department  
Mr. Dave Wolverton, Microcomputer Analyst  
Information Systems Technology Department  
Firefighter Greg Smith, Fire and Life Safety,  
Fire and EMS Department

Dr. Cynthia Richardson, Planning Administrator,  
Chesterfield County Public Schools  
Mr. Mike Nannery, Assistant Director,  
Public Utilities

## **ASSEMBLY AND WORK SESSION.**

Messrs. Gulley, Waller, Brown, Patton and Wallin and staff assembled at 2:30 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

### **I. CALL TO ORDER.**

### **II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.**

On motion of Dr. Brown, seconded by Mr. Waller, the Commission amended the agenda to reflect reordering so that item X. (14PJ0125) Code Amendment Relative to Bridge the Gap Part 2 is moved to become item IX and item IX, (13PJ0119), Zoning Applications on Hold is moved to become item X. The agenda was reordered accordingly.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

### **III. REVIEW UPCOMING AGENDAS.**

Ms. Jane Peterson apprised the Commission of the caseload agendas for May, June, July and August.

### **IV. REVIEW DAY'S AGENDA.**

Ms. Jane Peterson provided an overview to the Commission of the nine (9) cases for today's agenda.

### **V. WORK PROGRAM - REVIEW AND UPDATE.**

There were no questions relative to the work program.

### **VI. PLANNING COMMISSION FOLLOW-UP ITEMS LIST.**

There were no questions relative to the follow up items list.

**VII. REGIONAL AFFORDABLE HOUSING PRESENTATION.**

Ms. Laura Lafayette, the Executive Director of the Partnership for Housing Affordability presented an overview on the status of affordable housing in the region and County.

**VIII. (14PJ0161) CODE AMENDMENT RELATIVE TO SMALL CELL TECHNOLOGY.**

Mr. Robert Clay presented an overview of the Small Cell Technology highlighting previous Work Session presentations in June, October and November 2014. Industry experts shared information with the Commission detailing the need for additional cell coverage and the solution small cell technology could provide. Currently small cell technology is permitted as a restricted use in certain designated districts, with specific characteristics and when architecturally incorporated. Staff requested the Commission schedule a public hearing on the proposed Ordinance amendment relative to small cells.

Mr. Gulley recommended staff continue to work with the industry as there are three (3) items that need further consideration; pole-mounted mechanical equipment, antenna height and antenna diameter. Exceptions for the diameter would be made for parking light structures. Staff will provide an update to the Commission at the May Planning Commission meeting and a public hearing will be set for June.

On motion of Dr. Wallin, seconded by Dr. Brown, the Commission resolved to set Code Amendment Relative to Small Cell Technology for a public hearing at the June 16, 2015 Planning Commission meeting.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

**IX. (14PJ0125) CODE AMENDMENT RELATIVE TO BRIDGE THE GAP PART 2.**

Mr. Ray Cash presented an overview to the Commission on the Code Amendment Relative to Bridge the Gap Part 2. Bridge the Gap Part 2, reformats and reorganizes existing standards with limited exceptions. These include changes to bring the Ordinance further into compliance with State Code. The new format will aid understanding and navigation of the Ordinance by the public, developers and staff. Substantive amendments in the Ordinance address nonconforming structures, the creation of historic districts and traditional neighborhood development (TND). The deadline for public comment on the changes closes on May 1, 2015.

Ms. Rogers stated this project was not to change the current requirements in the Ordinance but to identify some State law changes that needed to be incorporated.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission resolved to set a public hearing for the Code Amendment to Bridge the Gap Part 2, relative to chapters 19 and 17 for the May 19, 2015 Planning Commission meeting.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

**X. (13PJ0119) ZONING APPLICATIONS ON HOLD.**

Ms. Jane Peterson stated in March, staff provided the Commission a list of pending land use cases. The list was comprised of cases that had been advertised and deferred by the Commission, and cases that were moved at the applicants request to future Commission agendas and not yet advertised. The second list contained cases that had been placed on hold by the applicant and not scheduled for any specific Commission agenda. The on hold cases include those that have never been advertised or cases that were remanded by the Board. At the work session in March, staff was asked to contact each of the applicants and update the Commission on the status at this work session. Ms. Peterson advised the Commission of each case status.

Mr. Turner stated he understands the desire of the Commission to move these cases forward during this term but when he considers the number of cases and the workload it would produce, it would be a challenge for staff. He requested leeway to deal with the cases given the zoning team case load and to allow staff to continue to follow up with applicants and to move cases forward when we can.

Mr. Gulley suggested rescheduling this for a work session in June.

**XI. UPDATE ON CAPITAL CONSTRUCTION GOALS & ACCOUNTABILITY COMMITTEE.**

Dr. Edgar Wallin presented an update to the Commission on the April 13, 2015 meeting of the Capital Construction Goals and Accountability Committee. The meeting centered around two basic topics or themes, a communication/strategy plan and the need for a template that would produce a consistent report. Architects for Providence Middle School gave a presentation on March 31 at a community meeting and the attendees were comprised mostly of citizens that did not have school aged children.

Mr. Waller also attended the meeting and stated transparency within the committee was highlighted.

Mr. Turner stated the assistant superintendent position for schools was filled.

**XII. RECESS.**

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 5:04 p.m., agreeing to meet in the Executive Meeting Room at 5:05 p.m., for dinner; and to reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

**5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.**

During dinner, there was general discussion on topics related to the Planning Commission.

## **6:00 P.M. PUBLIC HEARING.**

### **I. CALL TO ORDER.**

### **II. INVOCATION.**

Dr. Brown presented the invocation.

Mr. Gulley reordered the cases to be heard so item **VI. REQUESTS TO POSTONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION** was moved under item **II. INVOCATION.**

### **VI. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

Mr. Gulley requested to reorder the 6 p.m. agenda to reflect the following changes:

- Move Case 13SN0521 after Case 15SN0616.

On motion of Mr. Gulley, seconded by Dr. Wallin the Commission resolved to approve the revised agenda.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

### **III. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.**

Principal Dr. Joshua Cole, Principal at Ecoff Elementary School introduced students that participate in the Girls on the Run program at Ecoff Elementary. The Girls on the Run program is a social, emotional and health program that encourages girls to be the best in the classroom and in life.

### **IV. REVIEW UPCOMING AGENDAS.**


Mr. Turner reviewed the upcoming agendas.

### **V. APPROVAL OF THE PLANNING COMMISSION MINUTES.**

- February 19, 2015 Minutes. 

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission resolved to approve the February 19, 2015 Planning Commission minutes.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- March 17, 2015 Minutes. 

On motion of Dr. Wallin, seconded by Dr. Brown, the Commission resolved to approve the March 17, 2015 Planning Commission minutes.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

## **VII. REVIEW MEETING PROCEDURES.**

Mr. Kirk Turner reviewed the meeting procedures.

## **VIII. CITIZEN COMMENT ON UNSCHEDULED MATTERS.**

Mr. Paul Grasewicz commented on the Southern Winterfield project and the County Cash Proffer Policy relative to Section 11. He included language that he requested the Commission review for consideration and recommending up to the Board.

There were no other citizens' comments on unscheduled matters.

## **IX. PUBLIC HEARING.**

### **• CONSENT ITEMS- CONDITIONAL USE PLANNED DEVELOPMENTS AND REZONING.**

- B. 15SN0611\***: In Dale Magisterial District, **SBA** requests conditional use to permit a communications tower and amendment of zoning district map in a Light Industrial (I-1) District on .1 acre fronting 20 feet on the western terminus of Virginia Pine Court, 1060 feet west of White Pine Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 765-670-Part of 6637.

Ms. Tracy Themak, the applicant's representative, accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 15SN0611 and acceptance of the following proffered conditions:

### **PROFFERED CONDITIONS**

1. There shall be no signs permitted to identify this use. (P)
2. The base of the tower shall be enclosed by a wood board-on-board fence designed to preclude trespassing and to screen the base of the tower and ground-mounted equipment from adjacent properties (the "Fence"). The Fence shall have a height equal to or greater than the height of the tallest ground-based equipment

or shelter (excluding the tower) installed within the fenced compound. The fence shall be placed so as to provide sufficient room between the fence and the lease boundary to accommodate evergreen plantings having an initial height and spacing designed to soften the visual impact of the fence from adjacent properties and public rights of way. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with plans review. (P)

3. The color, design and lighting system for the tower shall be as follows:
  - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
  - b. The tower shall only be lighted at night by a red FAA approved obstruction light with upward reflection. The exact design shall be approved by the Chesterfield Airport during plans review.
  - c. The tower shall be a monopole structure.
  - d. No satellite dish and microwave dish antennas shall be attached to the telecommunications tower. (A & P)
4. Any building or mechanical equipment shall comply with the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment in O, C and I Districts. (P)
5. Prior to use of this telecommunications tower, the owner of the tower shall obtain approval of the structural integrity by a registered professional engineer licensed in Virginia and a copy of the report filed with the Planning Department. (P)
6. The tower shall not exceed an overall height of eighty-one feet (81') including the one foot (1') tall lightning rod. (P)
7. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

#### **RECOGNITION OF BOY SCOUT TROOP 2815.**

Mr. Gulley recognized Mr. Roy Reynolds and three Scouts, Kyle Valorose, Seth Kindberg and Conner Reynolds from Troop 2815. The Scouts are visiting the Planning Commission meeting to fulfill requirements for their Communications Merit Badge and the chartered organization for Troop 2815 is Chester United Methodist Church.

- D. **15SN0621:** In Matoaca Magisterial District, **Chesterfield County Board of Supervisors** propose rezoning from Agricultural (A) to Residential (R-15) and amendment of zoning district map on .5 acre fronting 8 feet on the west line of Talon Point Court, 250 feet south of Talon Point Drive. Residential use of up to 2.90 units per acre is permitted in the Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for Residential Agricultural use (maximum of 0.5 dwellings per acre). Tax ID 764-608-3499.

Mr. Kirk Turner, the applicant, accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 15SN0621 and acceptance of the following proffered condition:

**PROFFERED CONDITION**

The property shall not be further subdivided. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- E. **15SN0623:** In Bermuda Magisterial District, **Wilma Raucci** requests conditional use to permit a family day-care home and amendment of zoning district map in a Residential (R-7) District on .2 acres known as 2306 Arcadia Avenue. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (2.51-4.0 units/acre). Tax ID 798-660-8059.

Ms. Wilma Raucci, the applicant, accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 15SN0623 and acceptance of the following proffered conditions:

**PROFFERED CONDITIONS**

1. **Non-Transferable Ownership:** This conditional use approval shall be granted to and for Wilma Raucci, exclusively, and shall not be transferable nor run with the land. (P)



2. Expansion of Use: There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. Signage: There shall be no signs permitted to identify this use. (P)
4. Number of Children: This conditional use approval shall be limited to providing care, protection and guidance to a maximum of twelve (12) children, other than the applicant's own children, at any one time. (P)
5. Hours of Operation: Hours and days of operation shall be limited to Monday through Friday from 6 a.m. to 6 p.m. There shall be no Saturday or Sunday operation of this use. (P)
6. Time Limitation: This conditional use approval shall be granted for a period not to exceed ten (10) years from the date of approval. (P)
7. Fenced Outdoor Play Areas: Any outdoor play area and/or recreational equipment utilized by the family day-care home shall be located in the side or rear yard of the property. Outdoor play and/or recreational equipment areas shall have perimeter fencing of at least four feet in height, installed around the equipment or play area. Equipment for outdoor play areas shall be located no closer than ten (10) feet to the side or rear property lines. (P)
8. Employees: No more than one (1) employee shall be permitted to work on the premises, other than family member employees that live on the premises. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- F. **15SN0625**: In Dale Magisterial District, **Cheryl B. Morman and Andre D. Morman** request conditional use to permit a family day-care home and amendment of zoning district map in a Residential (R-9) District on .3 acres known as 5919 Silver Oak Lane. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 785-685-1292.

Ms. Cheryl B. Morman, the applicant, accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

Mr. Gulley indicated his concern relative to the proposed overnight care for up to four (4) children, noting that this had been the same position he took on a previous case offering twenty-four (24) hour care.

In response to a question from Dr. Brown, Ms. Morman confirmed her intent to limit nighttime childcare services for military parents.

Mr. Gulley questioned if the proffered conditions could reflect this limitation.

The applicant agreed to work with staff during the public hearing to amended language and have the case heard later in the evening.

- G. 15SN0627:** In Clover Hill Magisterial District, **Stafford Cassell** requests rezoning from General Business (C-5) and Corporate Office (O-2) to Community Business (C-3) plus conditional use to permit a tattoo parlor (to include body piercing) and amendment of zoning district map on 3.3 acres known as 11501 Hull Street Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business and Corporate Office uses. Tax ID 741-682-9068.

Mr. Stafford H. Cassell, the applicant, accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Gulley, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 15SN0627 and acceptance of the following proffered condition:

**PROFFERED CONDITION**

**Permitted Uses** - The following uses shall be permitted:

- A. Uses permitted by-right or with restrictions in the Neighborhood Business (C-2) District.
- B. Motor vehicle sales, service, repair and rental provided that:
  - 1. Motor vehicle sales shall be limited to the sale of motorcycles and, incidental to motorcycle sales, passenger vehicle sales. Storage of a maximum of three (3) passenger vehicles for sale shall be permitted.
  - 2. Motor vehicle sales and rental shall not include commercial vehicles such as buses; tractor-trailer trucks; dump trucks; stake bed trucks; vans where the cargo area cannot be accessed from the driver's seat without exiting the vehicle and/or cab and chassis vehicles; construction equipment; and motor vehicle consignment lots.
  - 3. Except for motorcycles, motor vehicle repair shall not include body, major engine and transmission repair.
  - 4. Storage yards for vehicles awaiting repair shall be screened from view of adjacent properties and from external public roads.

5. Except for minimal repairs necessary to allow a vehicle to be moved into the service area, all allowed repair activities and storage of new or replacement repair materials shall occur inside of a building.
6. There shall be no elevated display of motor vehicles.
7. All garage type doors shall be oriented away from, or screened from view of adjacent office zoned properties and external public roads.

- C. Tattoo parlor (to include body piercing) provided such use is conducted in compliance with all laws regulating such use. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- H. **15SN0628:** In Midlothian Magisterial District, **ME Founders Bridge, LLC and Eagle Construction of Va., LLC** request amendment of zoning (Case 05SN0320) to reduce cash proffers and amendment of zoning district map in a Residential (R-25) District on 22.5 acres fronting both sides of Michaux Valley Way and Michaux Valley Circle, east of North Otterdale Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Low Density Residential use (maximum of 1.0 dwelling per acre). Tax IDs 717-716-5691, 6281, 6673, 6860, 7449, 7938, 8190, 8227, 8415, 9085 and 9676; 717-717-0781, 4025, 4410, 5001, 6522, 7210, 8312 and 9608; 718-715-0071 and 0888; 718-716-0245, 0365, 0922, 1301, 1355, 1591, 1811, 2029, 2281, 2838, 2973 and 3449; and 718-717-0602.

Ms. Yvonne Boisseau, the applicant's representative, accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0628 and acceptance of the following proffered condition:

#### PROFFERED CONDITION

With the approval of this case, Proffered Condition 10 of Case 05SN0320 shall be amended as follows:

Cash Proffers: For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the cash proffer service district for the property, unless state law prevents enforcement of that timing:

- a) \$18,966 per dwelling unit for the period beginning the July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulative change in the Marshall and Swift Building Cost index during that time period.
- b) Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
- c) Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- I. **15SN0629:** In Midlothian Magisterial District, **St. Edwards Catholic Church** requests a conditional use to permit a graveyard and amendment of zoning district map in a Residential (R-15) District on .1 acre known as 10701 West Huguenot Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 745-718-Part of 7019

Mr. John Cogbill, the applicant's representative, accepted staff's recommendation.

Mr. Robert Clay presented an overview of the case to the Commission and staff's recommendation for approval, noting the proposed graveyard is incidental to the church and columbarium uses.

Mr. Gulley opened the floor for public comments.

Mr. Paul Gemmer and Ms. Tracy Dunham oppose the request, noting it is vague relative to expansion of use beyond the existing wall and changes in the wall design; and questioned compatibility with area residential development.

In rebuttal, Mr. Cogbill stated the columbarium will remain the same size. The overall size of the expansion is 1/10 of an acre. Currently there are only six (6) crypts scheduled to be installed in the service area where there is an eight (8) foot wall and there are about 250 niches that have been sold. There are about 500 to 800 niches that would be available to be used in the space. There is no plan to expand the graveyard beyond this space.

In response to a question from Mr. Waller relative to the staff report, Mr. Clay responded that if the case is approved, with the way it was written and submitted, there is no limitation with the number of crypts. The limitation would be by the 1/10 of an acre in area. The applicant's representative has indicated that should crypts be located on the other walls, the exterior of those walls would be treated similar to the walls in the memory garden. Mr. Waller stated the staff report does not reflect that so there are no assurances that the public wall would be the same as the memory garden wall or architecturally harmonious.

In response to a question from Mr. Waller relative to the harmonious wall, Mr. Cogbill stated he would agree to that being a condition.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0629 and acceptance of the two proffered conditions and subject to an imposed condition:

#### CONDITION

Any modification to the exterior walls necessary to install the crypts as part of the Memorial Garden Renovation shall be architecturally harmonious with the existing Memorial Garden and the Church. If any landscaping is removed as part of any modification, such landscaping shall be replaced with plantings that are compatible with the existing landscaping. (P)

#### PROFFERED CONDITIONS

The Owners (the "Owners") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 745-718-7019 (the "Property") under consideration will be developed according to the following conditions if, and only if, the application request for a Conditional Use ("CUP") is granted. In the event the request is denied or approved with conditions not agreed to by the Owners, the proffers shall immediately be null and void and of no further force or effect.

1. The Property may be used for a graveyard in the areas noted as "conditional use permit line" shown on the site plan titled "Memorial Garden Renovation" prepared by Fultz Architects. (P)
2. Graves provided within crypts or in the ground may be visited only from inside the memorial garden. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- F. **15SN0625:** In Dale Magisterial District, **Cheryl B. Morman and Andre D. Morman** request conditional use to permit a family day-care home and amendment of zoning district map in a Residential (R-9) District on .3 acres known as 5919 Silver Oak Lane. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 785-685-1292.

Mr. Robert Clay stated staff has worked with the applicant to come up with an amendment to Proffered Condition 8 dealing with hours of operation, noting the proffer limits nighttime hours until 12:00 a.m., with no overnight care. Mr. Clay read the amended proffered condition into the record.

Ms. Mormon stated she is in favor of the reworded Proffered Condition 8.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 15SN0625 and acceptance of the following six (6) Proffered Conditions in the staff report, Proffered Conditions 7 and 8 in the addendum and as reworded by Mr. Clay and accepted by the applicant:

**PROFFERED CONDITIONS**

1. Non-Transferable Ownership: This conditional use approval shall be granted to and for Andre and Cheryl Morman, exclusively, and shall not be transferable nor run with the land. (P)
2. Expansion of Use: There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. Signage: There shall be no signs permitted to identify this use. (P)
4. Number of Children: This conditional use approval shall be limited to providing care, protection and guidance to a maximum of twelve (12) children, other than the applicant's own children, at any one time. (P)
5. Time Limitation: This conditional use approval shall be granted for a period not to exceed five (5) years from the date of approval. (P)
6. Fenced Outdoor Play Areas: Any outdoor play area and/or recreational equipment utilized by the family day-care home shall be located in the side or rear yard of the property. Outdoor play and/or recreational equipment areas shall have perimeter fencing of at least four feet in height, installed around the equipment or play area. Equipment for outdoor play areas shall be located no closer than fifteen (15) feet to the side or rear property lines. (P)
7. Employees: No more than one (1) full time and one (1) part time employee shall be permitted to work on the premises at any given time other than family member employees that live on the premises. (P)
8. Hours of Operation: Hours and days of operation shall be limited to Monday through Sunday from 6 a.m. to 6 p.m., except that a maximum of four (4) children may be kept between the hours of 6 p.m. and 12 a.m., Monday through Sunday. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

• **REZONING, CONDITIONAL USE PLANNED DEVELOPMENT AND CONDITIONAL USE – OTHER.**

- C. **15SN0616\***: In Bermuda Magisterial District, **PI Telecom Infrastructure, LLC** requests a conditional use to permit a communications tower and amendment of zoning district map in an Agricultural (A) District on 9.6 acres known as 900 Enon Church Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 820-643-1987.

Mr. Clay presented an overview to the Commission and staff's recommendation for denial. The request does not comply with the Public Facilities Plan, is not consistent with Telecommunications Tower Siting Policy and it does not meet the minimum setbacks. Should the Commission wish to approve the case, staff recommends adoption of the proffered conditions in the staff report.

Mr. William Shewmake, the applicant's representative, stated the placement of this communications tower will expand cell coverage to a large area where there is great need.

Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Patton stated there was no opposition at the community meeting; that existing vegetation and setbacks from the closest drive lanes mitigate visual impacts of the tower from I-295; and he supports the request.

On motion of Mr. Patton seconded by Dr. Wallin the Commission resolved to recommend approval of Case 15SN0616 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. The tower shall be located as generally depicted on the plans prepared by B C Architects Engineers, dated October 23, 2014, and titled "Proposed 150' Brown Stealth Monopole in a New Fenced Compound". (P)
2. There shall be no signs permitted to identify this use. (P)
3. The base of the tower shall be enclosed by a minimum six (6) foot high fence designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the lease boundary line to accommodate evergreen plantings having an initial height and space to provide screening of the base of the tower and accessory ground-mounted equipment or structures from adjacent properties. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. (P)
4. The color, design and lighting system for the tower shall be as follows:
  - a. The tower shall be brown or another neutral color, acceptable to the Planning Department;
  - b. The tower shall not be lighted;
  - c. The tower shall be a monopole structure with flush mounted antennas; and

- d. Any satellite dish and microwave dish antennas attached to the telecommunications tower shall not exceed six (6) feet in diameter and shall be of a neutral color with no logos. (P)
5. Any building or mechanical equipment shall comply with the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment in O, C, and I Districts. (P)
6. Prior to use of this telecommunications tower, the owner of the tower shall obtain approval of the structural integrity by a registered professional engineer licensed in Virginia and a copy of the report file with the Planning Department. (P)
7. The tower shall not exceed a height of 154 feet, which includes a 4 foot lighting rod. (P)
8. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)
9. The site shall be located and graded away from the adjacent Cobbs Point Subdivision so that it will drain in the direction of I-295 and/or the road side ditch of Enon Church Road. (EE)
10. A forty foot wide tree preservation area shall be provided along the western property line. Within this area, trees a minimum of four inches in caliper shall be retained. Such area shall comply with the requirements of the Ordinance for tree preservation. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- A. **13SN0521\***: In Matoaca Magisterial District, **Lake Margaret, LLC** requests rezoning from Residential (R-88) to Residential (R-25) with conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 209.2 acres located in the southwest corner of Woodpecker and Cattail Roads. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential Agricultural use (maximum of 0.5 dwellings per acre). Tax ID 766-639-8114 and 767-640-1470.

Ms. Orr presented an overview to the Commission, and advised that the applicant recently amended the application to withdraw the request for an exception to lot area and submitted revised proffered conditions that were provided in the Addendum and in the applicant's letter handed to the Commission at the beginning of the meeting. She explained staff's recommendation for denial and identified the following areas of concern; design standards fail to provide for street trees and a focal point; sidewalks are not proposed in Area B even if Area B is age restricted.

She further explained that the applicant has proffered that occupancy of all but five (5) lots in Area A will be age restricted. The applicant has proffered \$9600 per lot to offset the school impact of the five (5) non-age restricted lots in Area A. Proffered conditions would require the occupancy



limitation for any lots in Area B to be identified at the time of record plat by subdivision section. The applicant has offered a cash proffer of \$9000 per lot if it is age restricted and the full maximum acceptable cash proffer of \$18,966 for lots that are not age restricted. The reduced cash proffer for age restricted lots offers no cash to be paid to schools, a reduced transportation cash proffer and no cash amount for parks as they are building a pedestrian and bike trail along Woodpecker Road.

Staff recommends denial of Request I for rezoning as it fails to address development impacts.

Staff recommends denial of Request II with exception to street access requirements as it potentially restricts access in case of emergencies and there is no justification offered in accordance with the Ordinance. Ms. Orr explained that the applicant has proffered to build the second public road access prior to the issuance of the fifty-first (51<sup>st</sup>) building permit. She explained staff's position that the limitation should be tied to recordation not building permit issuance as the potential exists for an individual to purchase a lot but be unable to obtain a building permit until the developer builds the road.

Mr. Turner acknowledged the applicant's withdrawal of the request for an exception to lot area for Area C.

Ms. Kristen Keatley, the applicant's representative, stated the applicant does not agree with staff's recommendation. She stated the lot identified as Area C on Exhibit A is an existing lot and house which will remain but they have determined an exception to lot area is not necessary. She explained that Request I, which is a request to rezone the property from R-88 to R-25 with exceptions, was to allow for the development with smaller lots and homes closer to the street to be age restricted and marketed to an older home buyer. She noted conditions were offered to ensure the quality design standards for the homes and to ensure a club house will be constructed prior to occupancy of the fiftieth (50<sup>th</sup>) dwelling. This section of Lake Margaret is designed to be an extension of The Highlands. The five (5) lot exception to the age restricted occupancy in Area A would allow for some grandparents the flexibility to take care of grandchildren for a period of time should it become necessary. Relative to Request II, to permit more than fifty (50) lots off of one (1) public road access, Proffered Condition 11 states they could record sixty-two (62) units but they would build that second access prior to the issuance of the fifty-first (51<sup>st</sup>) building permit. She stated that the builder plans to construct all of the homes without selling lots to individuals.

Mr. Gulley opened the floor for public comments.

Mr. Paul Grasewicz stated he understands the density will conform to the Plan; the project will be comparable to the Highlands and will feature sidewalks which are popular with consumers. For age restrictive units, there will be no impacts on school capital facilities and the cash proffer is in line with the Cash Proffer Policy. The current proposal with age restricted lots will be less traffic on the road than the existing; therefore he supports the rezoning case.

There being no one else to speak, Mr. Gulley closed the public hearing.

Dr. Wallin thanked the Commission for being flexible and he thanked the applicant and Ms. Orr for working together to present the case. This is an age restrictive community with large lots and vegetation will not be disturbed on twenty-five (25) % of the lots. It does provide quality housing for seniors with a club house, sidewalks, and pedestrian trails and there are options for perpetual care

for the exterior of the home. If a resident needs to bring in a grandchild that is under nineteen (19), this will allow for those situations. Parks and Recreation are in full support of trading the proffer amounts for the actual trail work. The \$400 deficit in the cash proffer toward transportation impacts is acceptable as the traffic will be reduced as the Transportation Department indicated in the report. This case is unique and the applicant and County are served well with this development.

There were general discussions with Budget about language in the proposed cash proffer that prevents the cash payment from being escalated above the Boards maximum acceptable cash proffer.

Mr. Patton stated he had concerns about this case coming forward but his concerns have been addressed this evening. His concerns were the school cash proffer portion and the bottleneck that may have occurred; however he is supportive of the case with the second access being constructed prior to the fifty-first (51<sup>st</sup>) building permit and it is a quality product.

### **REQUEST I (REZONING)**

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission resolved to recommend approval of Request I for Case 13SN0521 and acceptance of the proffered conditions:

### **PROFFERED CONDITIONS**

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the property will be developed as set forth below; however, in the event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers shall be immediately null and void and of no further force or effect.

The Applicant hereby proffers the following conditions applicable to Tax ids 766-639-8114 and 767-640-1470:

1. Master Plan. The textual statement dated April 16, 2015 and the Exhibit A entitled "Tract Boundary Exhibit", prepared by Highmark Engineering, and dated February 5, 2015, shall be considered the Master Plan. (P)
2. Density. Density shall not exceed 0.5 units per acre. (P)
3. Transportation.
  - A. Dedications. In conjunction with recordation of the initial subdivision plat or prior to any site plan approval, whichever occurs first, the following rights-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:
    - i. Forty-five (45) feet of right of way, on the south side of Woodpecker Road, measured from a revised centerline of Woodpecker Road based on VDOT Urban Minor Arterial (50

MPH) standards with modifications approved by the Transportation Department, immediately adjacent to the Property.

- ii. Forty-five (45) feet of right of way, on the west side of Cattail Road, measured from a revised centerline of Cattail Road based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, immediately adjacent to the Property. (T)

B. Access. Direct vehicular access from the property to Woodpecker Road shall be limited to one (1) public. Direct vehicular access from the property to Cattail Road shall be limited to one (1) existing private driveway serving Tax ID 766-639-8114. The exact location of the public access shall be approved by the Transportation Department. (T)

C. Road Improvements. The Applicant shall be responsible for the following:

- i. Widening/improving the south side of Woodpecker Road to an eleven (11) foot wide travel lane, measured from the centerline of Woodpecker Road with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of the road with one and one-half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage.
- ii. Widening/improving the west side of Cattail Road to an eleven (11) foot wide travel lane, measured from the centerline of Cattail Road with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of the road with one and one-half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage.
- iii. Construction of additional pavement along Woodpecker Road at the approved access to provide left and right turn lanes.
- iv. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the road improvements described above.

D. Transportation Phasing Plan. Prior to any construction plan or site plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 3.C., shall be submitted to and approved by the Transportation Department. (T)

- 4. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local

legal requirements, any dwelling units restricted to “housing for older persons” as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein.

- A. With the exception of a maximum of five lots, all lots with in “Area A” shall be age restricted. This restriction shall be identified on all record subdivision plats.
- B. All lots with in “Area B” shall have the option of being age restricted. This restriction shall be applicable by subdivision section and all age restricted lots shall be identified on all subdivision plats.
- C. Tax ID 766-639-8114 shall not be age restricted. (P)

The Applicant hereby proffers the following conditions applicable to Tax id 767-640-1470:

- 5. Impacts. For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the service district for the property, unless state law prevents enforcement of that timing:
  - A. For any lots within Area “A”, the amount paid shall be, \$9,600 per dwelling unit, where \$600 shall go to schools infrastructure, \$701 shall go to fire infrastructure, \$303 shall go to library infrastructure and \$7,996 shall go to road infrastructure, for the period beginning the July 1 preceding the Board of Supervisors’ approval of the case through July1 four years later, at which point the amount will be adjusted for the cumulative change in the Marshall and Swift Building Cost Index during that time period, except that the adjustment shall not cause the payment to exceed the amount of the maximum cash proffer in the cash proffer policy in effect at the time of the payment.
  - B. For any age restricted lots within “Area B”, the amount paid shall be, \$9,000 per dwelling unit, where \$701 shall go to fire infrastructure, \$303 shall go to library infrastructure and \$7,996 shall go to road infrastructure, for the period beginning the July 1 preceding the Board of Supervisors’ approval of the case through July1 four years later, at which point the amount will be adjusted for the cumulative change in the Marshall and Swift Building Cost Index during that time period, except that the adjustment shall not cause the payment to exceed the amount of the maximum cash proffer in the cash proffer policy in effect at the time of the payment.
  - C. For any within “Area B” that are not age restricted, the amount paid shall be, \$18,966 per dwelling unit, for the period beginning the July 1 preceding the Board of Supervisors’ approval of the case through July1 four years later, at which point the amount will be adjusted for the

cumulative change in the Marshall and Swift Building Cost Index during that time period, except that the adjustment shall not cause the payment to exceed the amount of the maximum cash proffer in the cash proffer policy in effect at the time of the payment.

- D. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year, except that the adjustment shall not cause the payment to exceed the amount of the maximum cash proffer in the cash proffer policy in effect at the time of the payment.
- E. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

6. Sidewalks/Driveways.

- A. A four foot (4') wide concrete sidewalk shall be constructed to VDOT standards, located within public right of way, and provided along one side of all public roads within "Area A" as shown on the Exhibit.
- B. A four foot (4') wide pedestrian path shall be provided within the open space easement along the length of Cattail Road. The path shall be 2" SM-9.5 asphalt and over 4" 21-B stone, where directed by the developer's geotechnical engineer and located as shown on the Exhibit within the limits of this property. The path shall be designed to include five foot (5') wide bump outs every fifty feet to provide ADA compliance and shall be maintained in good condition by the Developer/HOA.
- C. All private driveways serving residential uses shall be hardscaped or brown gravel. Private driveways shall not require curb and gutter.
- D. Front walks shall be provided to each dwelling unit. Front walks shall be hardscaped. Front walks shall be a minimum of 3' wide. (P)

7. Architecture and Materials.

- A. Style and Form. The architectural styles shall be interpretations of traditional Richmond architecture, using forms and elements compatible with those in the adjacent Highlands Subdivision.
- B. Exterior Facades. At least 50% (5 in 10) dwelling units constructed shall have brick, stone or masonry fronts that cover a minimum of 20% of the facade. Other acceptable siding materials shall include stucco, synthetic stucco (E.I.F.S.), or horizontal lap siding. Horizontal lap siding may be manufactured from natural wood or cement fiber board or may be premium quality vinyl siding with a minimum wall thickness of .044".

Synthetic Stucco (E.I.F.S.) siding shall be finished in a smooth, sand or level texture, no rough textures are permitted.

- C. Foundations. All foundations shall be constructed entirely of brick or stone. Synthetic or natural stucco foundations may be permitted for facades constructed entirely of stucco.

D. Roofs.

- i. Varied Roof Line. Varied roof designs and materials shall be used on facades of dwellings that face a street. Minimum roof pitch shall be 8/12.
- ii. Roof Materials. Roofing material shall be dimensional architectural shingles with a minimum 30 year warranty. All flashing shall be copper or pre-finished aluminum (bronze or black). (P)

E. Porches, Stoops and Decks.

- ii. Front Porches. All front entry stoops and front porches shall be constructed with a continuous masonry foundation wall. Individual porches and porticos shall be one-story in height. Extended front porches shall be a minimum of 5' deep. Handrails and railings shall be finished painted wood or metal railing with vertical pickets or swan balusters. Pickets shall be supported on top and bottom rails that span between columns. Columns supporting roofs of porches, porticos and covered stoops on street facing facades, shall be masonry piers, tapered round (Tuscan or Doric) column, or square box columns a minimum of 8" square as appropriate to the character of the unit. All front steps shall be masonry to match the foundation.
- iii. Rear Porches. All rear porches visible from public rights of way shall be constructed on masonry or stone piers with lattice screening spanning between columns. Handrails and railings shall be finished painted wood or metal railing with vertical pickets or swan balusters. (P)

F. Fireplaces, Chimneys and Flues.

- i. Chimneys. Sided chimneys are permitted on roof planes or facades and must have masonry foundations. Cantilevered chimneys are not permitted. The width and depth of chimneys shall be appropriately sized in proportion to the size and height of the unit. For gas fireplaces, metal flues may be used on the roof.

- ii. Direct Vent Fireplaces: Direct vent gas fireplace boxes which protrude beyond the exterior plane of the unit, are not permitted on front facades. All the exterior materials and finishes used to enclose the fireplace box must match the adjacent facade. (P)
- 8. Garages. No front loaded garages shall be permitted on the principal dwelling unit. (P)
- 9. Landscaping and Yards.
  - A. Irrigation. All front yards shall be irrigated, with the exception of any lots requiring primary drain field locations in the front yard.
  - B. Front Foundation Planting Bed: Foundation planting is required along the entire front façade of all units, and shall extend along all sides facing a street. Foundation Planting Beds shall be a minimum of 4' wide from the unit foundation. Planting beds shall be defined with a trenched edge or suitable landscape edging material. Planting beds shall include medium shrubs spaced a maximum of four (4) feet apart. Unit corners shall be visually softened with vertical accent shrubs (4'-5') or small evergreen trees (6'-8') at the time of planting. (P)
- 10. Covenants and Restrictions. At a minimum the following shall be recorded with any lot within "Area A" as shown on the Exhibit A.
  - A. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, and except for a maximum of five (5) dwelling units which shall not be subject to this occupancy limitation, all dwelling units shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein.
  - B. A minimum of twenty five percent (25%) of the gross area of each lot shall be left in a natural wooded state. Should the need to clear additional area due to the need for use of a septic field the request shall be clearly defined and approved by the Architectural Review Board.
  - C. All lot owners shall also have the reserved right to make application for membership to "The Country Club at the Highlands".

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

## **REQUEST II (RELIEF TO STREET ACCESS REQUIREMENTS)**

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission resolved to recommend approval of Request II for Case 13SN0521 and acceptance of the proffered condition:

PROFFERED CONDITION

11. Second Vehicular Access. Prior to the issuance of a building permit for the fifty first (51<sup>st</sup>) dwelling unit with in "Area A" a second public road access shall be constructed. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

**X. OTHER BUSINESS.**

There was no other business discussed.

**XI. CITIZEN COMMENT ON UNSCHEDULED MATTERS.**

There were no citizen comments on unscheduled matters.

**XII. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Dr. Brown, seconded by Mr. Waller, that the meeting adjourned at 8:10 p.m. to Tuesday, May 19, 2015 at 2:00 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

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Chairman/Date

Secretary/Date